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EXAMINER

TSUI, WILSON W

ART UNIT PAPER NUMBER

2178

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,649	Applicant(s) GORDON ET AL.	
	Examiner Wilson Tsui	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 7/7/06, for the application filed on 2/27/2004 with IDS filed on 2/27/2004.
2. In the amendments, claims 1, 14, and 15 have been amended. Claims 16-20 are new. Claims 1, 14, and 16 are independent claims.
3. The rejections for claims 1, 7-10, 14, and 15 under 35 U.S.C. 103(a) as being unpatentable over Merhle (US Patent: 5,794,236) in view of Leonardos (US Patent: 6,778,972), claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Merhle and Leonardos, in further view of Ludwig et al (US Patent: 6,816,904), claim 4 under 35 U.S.C 103(a) as being unpatentable over Merhle, Leonardos, Ludwig et al in further view of Elfering (WIPO Pub. No. WO 01/40967), claims 5 and 6 under 35 U.S.C 103(a) as being unpatentable over Mehrle, Leonardos, and in further view of Southwest Data, claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Merhle, Leonardos, in further view of Prudential Healthcare, claim 13 under 35 U.S.C. 103(a) as being unpatentable over Merhle, Leonardos, in further view of Simpson et al (US Application: 2003/0041102A1) have been withdrawn as necessitated by the amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7-10, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996), Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004, filed: Dec 4, 2000) and Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002).

With regards to claim 1, Mehrle teaches a method of generating a document management system, the method comprising:

- a) *Importing within a software application one or more documents in electronic form* (Fig 5a, reference number 50, column 8, lines 11-22: whereas, a digital document is imported for classification into an organizational/hierarchical structure containing categories and subcategories as shown in Fig 2.)
- b) *Designating within a software application an organizational structure including main categories and one or more levels of subcategories* (column 5, lines 39-46: whereas, an organizational / legal hierarchical structure is designated through commercial attainable means, or also manually created/designated by a user).
- c) *Assigning within a software application the one or more documents to one or more of the main categories and subcategories within the organizational structure* (Fig 2., column 9, lines 45-53: whereas, the document is assigned a classification level (each level is indicative of a category or subcategory) in the organizational structure shown in Fig 2.).

However, although Mehrle imports, designates, and assigns one or more documents to categories within an organization/hierarchical structure, Mehrle does not expressly teach *the software utility automatically generating a document management system including the one or more documents organized within the organizational structure and accessible via a computing system*.

Leonardos however teaches *automatically generating a document management system including the one or more documents organized within the organizational structure and accessible via a computing system*: whereas, all documents are organized in an indexed folder hierarchical structure (Figs 1C-1 to 1C-5, column 6, lines 23-40). Furthermore, a web site is automatically generated for use as a document management system for providing access to the indexed electronic documents and is stored on a server (column 5, lines 56-60: whereas the website is accessed by using a browser), and the web site is accessible over the internet (column 5, lines 38-45).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle's organizational system, by using Mehrle's classification (document assignment data) with Leonardos's indexing data to have automatically generated a document management system (which was accessible over the internet) as taught by Leonardos. The combination would have allowed Mehrle's organizational system to have allowed users navigation and access to the organizational structure, through a user interface and also allowed for maintenance of the navigational structure.

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Both Mehrle and Leonardos each respectively teach their inventions are implemented through a *software* application, although, they do not expressly teach a specific form of software application, namely, a *software utility*.

Thorn et al teaches a specific form of software application, through the implementation of a *software utility* through the use of a wizard (column 7, lines 1-14: whereas, a wizard is used to organize data objects into a tree map hierarchy). Furthermore, Thorn et al teaches the wizard *automatically generating a data organization system, including one or more data items organized within the organization structure and accessible via a computing system* (whereas, the wizard “enable(s) the user to author a treemap display page by providing a tree map configuration that defines the format of the treemap display page” (and thus inherently teaches receiving user designated organizational structure information, and document assignment information for appropriate assignment processing) ... such that the ... “treemap display data, such as a markup language document, is generated from the treemap configuration definition (hierarchical data files) from automatic processing of the source data” (column 2, lines 19-32).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle and Leonardos’ software application which organizes documents, to be in the form of a software wizard utility (which receives organizational and assignment data) to display hierarchical data items (for data items such as files), by automatic generation of web page(s), as taught by Thorn et al. The combination would have allowed Merhle’s organizational system to have “generated a treemap representation of data on a computer

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display screen” without having to “require a person (to have) computer programming knowledge and Web page markup language knowledge (such that the person would have to) examine the data, format the data, and then write computer code in a markup language” (Thorn et al, column 2, lines 1-6)

With regards to claim 7, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach a method *wherein the document management system*, as explained in claim 1, and is rejected under the same rationale. Furthermore, Leonardos teaches a document management system comprises *a website and is accessible via the Internet* (Leonardos, column 5, lines 56-60: whereas the website is accessed by using a browser) and the web site is generated to provide a document management system, and is accessible thorough the internet (Leonardos, column 5, lines 38-45)).

With regards to claim 8, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach a *document management system* as explained in claim 1, and is rejected under the same rationale.

Furthermore, Leonardos teaches a document management system *comprises a CD-ROM and is accessible via a computer* (column 1, lines 1-25: whereas, a document management system (or elements thereof) can be housed in a storage medium such as a CD-ROM and is accessible via a server or remote computer).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al’s invention to have also included a document management system comprising a CD-ROM,

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and was accessible by computer, as also taught by Leonardos. The combination would have allowed alternate means for storing/retrieving data related/used by the document management system, and an alternate means for data mobility/transfer.

With regards to claim 9, which depends on claim 1, for a method wherein the document management system comprises computer readable storage medium, is similarly explained in claim 8, and is rejected under the same rationale.

With regards to claim 10, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach *the one or more documents*, as explained in claim 1, and is rejected under the same rationale. Furthermore, Leonardos teaches the forms *comprise forms associated with a specific industry* (Fig. 12A: whereas the industry shown is Intellectual Property.)

With regards to claim 14, Mehrle, Leonardos, and Thorn et al teach a method of automatically generating computer readable electronic information, the method comprising:

a) *Associating within a software wizard, electronic documents within an organization structure designated by a user, wherein the organizational structure includes main categories and one or more levels of subcategories, and also the software wizard thereby automatically generates a website with electronic documents within the organization structure*, as similarly explained in the rejection for claim 1, and is rejected under the same rationale.

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The combination of Mehrle, Leonardos, and Thorn et al as discussed in the rejection for claim 1, does not discuss the combination for *automatically generating a website indexing the electronic documents within the organization structure, modifying one of the electronic documents using a user interface after the website is generated, and republishing the website to reflect the modified electronic document.*

Yet, Leonardos further teaches a method comprising:

a) *Automatically generating a website indexing the electronic documents within the organization structure:* whereas, all documents are organized in an indexed folder hierarchical structure (Figs 1C-1 to 1C-5, column 6, lines 23-40).

Furthermore, a web site is automatically generated to provide access to the indexed electronic documents and is stored on a server (column 5, lines 56-60: whereas the website is accessed by using a browser), and the web site is accessible over the internet (column 5, lines 38-45).

b) *Modifying one of the electronic documents using a user interface after the website is generated* (Fig 12I-2, column 16, lines 25-30: whereas, the user is able to modify one of the electronic documents using the user interface, by selecting various options such as 'Edit' or 'Delete'. Additionally, in Fig. 8, a file list user interface (730) is presented to a user, for which the user can perform file operations on the file list, for which the electronic folder management system is updated accordingly after the web site is generated (column 12, lines 30-36)).

c) *Republishing the website to reflect the modified electronic document* (column 5, lines 60-65: whereas, the server automatically updates the website to reflect

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all activities (including the updates/modification of documents, that have been performed as explained above.)

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified the combination of Mehrle, Leonardos, and Thorn et al's indexing system, as explained in claim 1, to have further included the ability to have automatically generated a website for indexing, modifying and updating documents within an organizational structure as also taught by Leonardos. The combination of Mehrle, Leonardos, and Thorn et al would have allowed Mehrle's system to have "allowed users to store their computer files in a manner that is easy to organize for later retrieval and usage" (column 2, lines 49-51).

With regards to claim 15, which depends on claim 14, Mehrle, Leonardos, and Thorn et al teaches a method for *automatic updates*, as similarly explained in claim 14, and is rejected under the same rationale. Furthermore, Leonardos also teaches a method wherein the *republishing is transparent to the user* (column 15, lines: 20-30: whereas, when a user modifies a file, such as deleting the file, the document management system updates the indexing data without the user knowing it).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's automatic updating system, to further included the ability to have provided updates that were transparent to the user, which was also taught by Leonardos. The combination of Mehrle, Leonardos, and Thorn et al would have allowed Mehrle's

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system to have reduced user intervention, thus simplifying the user interaction with Mehrle's system.

With regards to claim 16, Mehrle, Leonardos, and Thorn et al teach:

- *A software wizard configured to import one or more documents in electronic form, as similarly taught in the rejection for claim 1, and is rejected under the same rationale.*
- *To receive a user designated organizational structure including main categories and one or more levels of subcategories, as similarly taught in the rejection for claim 1, and is rejected under the same rationale.*
- *To receive user designated document assignments for the one or more documents to one or more of the main categories and subcategories within the organizational structure, as similarly explained in the rejection for claim 1, and is rejected under the same rationale.*
- *To assign the one or more documents to one or more of the user assigned main categories and subcategories within the organizational structure, as similarly explained in the rejection for claim 1, and is rejected under the same rationale.*
- *To automatically generate a document management system including the one or more documents organized within the organizational structure and accessible via a computing system, as similarly explained in the rejection for claim 1, and also in the rejection for claim 2, and is rejected under the same rationale.*

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With regards to claim 17, which depends on claim 16, Mehrle, Leonardos, and Thorn et al teaches *wherein the software wizard is configured to receive user modifications to one of the electronic documents*, as similarly explained in the rejection for claim 14, and is rejected under the same rationale.

With regards to claim 18, which depends on claim 17, Mehrle, Leonardos, and Thorn et al teaches *wherein the software wizard is configured to republish the document management system to reflect the modified electronic document*, as similarly explained in the rejection for claim 14, and is rejected under the same rationale.

With regards to claim 19, which depends on claim 18, Mehrle, Leonardos, and Thorn et al teaches *wherein the software wizard is configured to generate a website, the website accessible via the Internet*, as similarly explained in the rejection for claim 1, and is rejected under the same rationale.

With regards to claim 20, which depends on claim 16, Mehrle, Leonardos, and Thorn et al teach *wherein the software wizard is configured to generate and publish hierarchical data files*, as explained in the rejection for claim 1, and is rejected under the same rationale.

Additionally, Leonardos teaches storing a folder/document management system in a *CDROM, the CDROM accessible via a computing device*, as explained in the rejection for claim 8.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's software wizard , which generates and publishes management information, such that the

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management information is published to a CDROM, as also taught by Leonardos. The combination would have allowed Mehrle to allow for various means to access the management system and maintain data integrity.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996), Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004, filed: Dec 4, 2000), and Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002) in further view of Ludwig et al. (US Patent: 6,816,904 B1, issued: Nov. 9, 2004, filed: May 4, 2000).

With regards to claim 2, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach a method for *importing*, in claim 1, and is rejected under the same rationale. However, Mehrle, Leonardos, and Thorn et al do not teach a method wherein the step of importing *further comprises modifying properties of the one or more documents*.

Ludwig et al teaches a step *further comprises modifying properties of the one or more documents* (column 31, lines 25-28: whereas, it is inherent that a file has properties such as a file name, and it is taught that a property (the property being a file name) of the file/document can be modified).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's importing method to have also allowed a user to have modified a file name of the document(s) as taught by Ludwig et al. The combination of Mehrle, Leonardos,

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Thorn et, and Ludwig et al would have allowed Mehrle's importing method to have allowed the user to change a file name for a document to a more meaningful/useful name if needed.

With regards to claim 3, which depends on claim 2, Mehrle, Leonardos, Thorn et al, and Ludwig et al teach a similar method, as explained in the claim rejection for claim 2, and is rejected under the same rationale.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996) and Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004, filed: Dec 4, 2000), Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002), and Ludwig et al. (US Patent: 6,816,904 B1, issued: Nov. 9, 2004, filed: May 4, 2000) in further view of Elfering (PCT: WO 01/40967 A2, published: June 7, 2001, international filing: November 24, 2000).

With regards to claim 4, which depends on claim 2, Mehrle, Leonardos, Thorn et al, and Ludwig et al, teach a method for *modifying the properties for a document*, as similarly explained in claim 2, and is rejected under the same rationale. However, Mehrle, Leonardos, Thorn et al, and Ludwig et al do not teach *one of the properties comprises a digital format of the electronic form and wherein the modification includes format standardization*.

Elfering teaches *one of the properties comprises a digital format of the electronic form and wherein the modification includes format standardization* (Abstract, "transforming diverse formats and computer systems to a selected standardized format").

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It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, Thorn et al, and Ludwig et al's property modification method to have further included the method to transform a format for a particular document, into a standard format as taught by Elfering. The combination of Mehrle, Leonardos, Thorn et al, Ludwig et al, and Elfering would have allowed Mehrle's system to have been able to achieve a document management system comprising/referencing with homogeneous document formats.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996), Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004, filed: Dec 4, 2000), Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002), and Ludwig et al. (US Patent: 6,816,904 B1, issued: Nov. 9, 2004, filed: May 4, 2000) in further view of Southwest (Southwest Data, published March 2000, pages 1 and 2).

With regards to claim 5, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach *importing* a digital document as explained in claim 1, and is rejected under the same rationale. However, Mehrle, Leonardos, and Thorn et al do not teach importing *comprises importing comprises importing from a third party vendor*.

Southwest teaches a *third party vendor* that converts paper documents to digital format (pages 1 and 2: whereas, a third party vendor scans paper documents and provides the scanned documents in digital format).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's method for importing a digital document, to have imported a digital document using digital documents provided by a third party vendor, such as taught by Southwest. The combination of Mehrle, Leonardos, Thorn et al, and Southwest, would have allowed Mehrle's system to cut costs by using resources provided by third party vendors.

With regards to claim 6, which depends on claim 5, Mehrle, Leonardos, Thorn et al, and Southwest teach *wherein the third party vendor comprises a scanning company*, as similarly explained in the claim rejection for claim 5 above, and is rejected under the same rationale.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996), Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004, filed: Dec 4, 2000), and Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002) in further view of HealthCare (Prudential HealthCare, published: Aug 16, 2000, page 1).

With regards to claim 11, which depends on claim 10, Mehrle, Leonardos, and Thorn et al teach *the industry*, as explained in claim 10, and is rejected under the same rationale. However, Mehrle, Leonardos, and Thorn et al do not teach the industry *comprises the health care industry*.

HealthCare teaches an HTML form which is from the *health care industry* (page 1: whereas, a feed back form for specific health care programs is shown).

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It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's method for importing documents from a particular industry to have further used forms that were specific to the health care industry as taught by HealthCare. The combination of Mehrle, Leonardos, Thorn et al, and HealthCare would have allowed Mehrle's organizational system to have been specialized for a specific industry.

With regards to claim 12, which depends on claim 10, Mehrle, Leonardos, Thorn et al, and HealthCare similarly teach a method wherein *the forms are associated with one or more health care programs*, as explained in the rejection for claim 11 above, and is rejected under the same rationale.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrle (US Patent: 5,794,236, issued: Aug. 11, 1998, filed: May 29, 1996), Leonardos (US Patent: 6,778,972 B2, issued: Aug. 17, 2004), and Thorn et al (US Patent: 7,076,742 B1, issued: Jul. 11, 2006, filed: Aug. 13, 2002) in further view of Simpson et al (US Application: US 2003/0041102 A1, published: Feb. 27, 2003, filed: Aug. 27, 2001).

With regards to claim 13, which depends on claim 1, Mehrle, Leonardos, and Thorn et al teach the method of *assigning the one or more documents*, in claim 1, and is rejected under the same rationale. However, Mehrle does not teach assigning *one of a plurality of standard document sizes to the one or more documents, wherein an actual document size may not be identically equal to any of the plurality of standard document sizes*.

Simpson et al teaches a method for assigning *one of a plurality of standard document sizes to the one or more documents, wherein an actual document size may not be identically equal to any of the plurality of standard document sizes* (paragraph 0094: whereas, the standard document size are the available user media types, and the actual document size is assigned to the closest matching selected standard document size).

It would have been obvious to one of the ordinary skill of the art at the time of the invention to have modified Mehrle, Leonardos, and Thorn et al's method for assigning properties (ie. Main categories, or levels of subcategories) to have further included the assignment of a closest matching standard document size, to the actual document as taught by Simpson et al. The combination would have allowed any one of the actual documents used by the management system to have been compatible (size-wise) with equipment/viewers that only support standardized document sizes.

Response to Arguments

10. Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection.

11. With regards to the argument for claim 8, it is has been considered, but is not persuasive, as Leonardos, already teaches (as explained in the rejection for claim 8 above), that the document management system can be stored on a CDROM (to be accessed by another computer). Thus, since a document management system is stored in a CDROM, then the document management system satisfies the requirement for the document management system

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comprising a CDROM, such that it can be accessed by another computer.

Additionally, applicant's arguments with respect to claim 8, for being allowable based upon the argument that the base claim 1, for which it depends on is allowable, has been considered, but are non-persuasive, since the independent base claim 1, is shown to be rejected.

12. With regards to the arguments with respect to claims 7, 9-10, for being allowable based upon the arguments that the base claims for which they depend on are allowable, have been considered, but are considered non-persuasive, since the base claims have been shown to be rejected (as explained above).

13. With regards to the arguments for claims 2-6, and 11-13, for being allowable based upon the arguments that the base claims for which they depend on are allowable, have been considered, but are considered non-persuasive, since the base claims have been shown to be rejected (as explained above).

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Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W.T. 8/25/06

Wilson Tsui
Patent Examiner
Art Unit: 2178
August 25, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER